

DEPARTMENT OF COMMERCE
EMERGENCY RULE RELATING TO
AUTOMATIC FIRE SUPPRESSION
FOR
STUDENT HOUSING FACILITIES SERVING COLLEGES AND UNIVERSITIES

Finding of Emergency

The Department of Commerce finds that an emergency exists within the state of Wisconsin and that adoption of a rule is necessary for the immediate preservation of the public health, safety and welfare. A statement of the facts constituting the emergency is as follows.

1. In accordance with sections 101.14 (4) (b) 3., Stats., and the provisions under 2005 Wisconsin Act 78, the department has the responsibility to promulgate rules requiring the installation of automatic fire sprinkler systems in various student housing facilities serving colleges and universities.
2. 2005 Wisconsin Act 78 was published on January 6, 2006, making January 7, 2006 the effective date of the Act.
3. Various provisions of the Act specified the effective date as the trigger to install the automatic fire sprinkler systems.
4. The department recognizes that promulgating this emergency rule will incorporate under the commercial building code, chapters, Comm 61 to 65, specific design and construction standards for new student housing facilities that are consistent with the intent of the Act.
5. The department recognizes that without promulgating this emergency rule, there could be confusion in design of any new student housing to be constructed in the very near future. The omission of the automatic fire sprinkler system during the initial design and construction would potentially place lives at greater risk.
6. In addition, the department recognizes that without promulgating this emergency rule, the confusion in omitting the automatic fire sprinkler system would result in additional costs to retrofit the installation of the system in order to fulfill the statutory obligation based upon the effective date of the Act.

Pursuant to section 227.24, Stats., this rule is adopted as an emergency rule to take effect upon publication in the official state newspaper and filing with the Secretary of State and the Revisor of Statutes.

Dated at Madison this _____
day of _____, 2006,
by the Department of Commerce.

Mary P. Burke, Secretary

The Wisconsin Department of Commerce adopts an order to renumber s. Comm 62.0903 (6); to amend, as renumbered, s. Comm 62.0903 (6) (a) (intro.); and to create s. Comm 64.0903 (6) (b), relating to automatic fire suppression systems for student housing facilities serving colleges and universities.

Analysis of Rule

1. Statutes Interpreted

Statutes Interpreted: s. 101.14 (4) (b) 3., Stats., as affected by 2005 Wisconsin Act 78, and s. 101.02 (15) (j), Stats.

2. Statutory Authority

Statutory Authority: s. 101.14 (4) (b) 3., Stats., as affected by 2005 Wisconsin Act 78, and s. 101.02 (15) (j), Stats.

3. Related Statute or Rule

Statutes: ss. 101.02 (1) and 101.12 (1), Stats.,
Administrative Rules: Chapter Comm 14, Fire Prevention

4. Explanation of Agency Authority

Under the authority of ss. 101.02 (1) and (15), Stats., the Department of Commerce has the responsibility to establish standards for the design and construction of public buildings and places of employment in order to protect public health, safety and welfare. The Department fulfills this responsibility by promulgating the Commercial Building Code, chapters Comm 61-65.

5. Summary of Proposed Rules

In accordance with sections 101.14 (4) (b) 3., Stats., and the provisions under 2005 Wisconsin Act 78, the department has the responsibility to promulgate rules requiring the installation of automatic fire sprinkler systems in various student housing facilities serving colleges and universities.

The emergency rule consists of revising rules under the commercial building code, chapters Comm 61-65, and would be supplemental to the International Building Code which is the basis for the commercial building code. The following list highlights the major items contained in the revisions.

- Requires the installation of automatic fire sprinkler systems in existing student housing facilities greater than 60 feet in height and owned or operated by colleges, universities and private entities that are not part of the University of Wisconsin System.
- Requires the installation of automatic fire sprinkler systems in existing private student residential facilities greater than 60 feet in height by January 1, 2014.

- Requires the installation of automatic fire sprinkler systems in existing student sororities, fraternities and similar housing facilities by January 1, 2014.
- Requires the installation of automatic fire sprinkler systems for the construction of all new student housing facilities that are not part of the University of Wisconsin System.

6. Summary of, and Comparison with, Existing or Proposed Federal Regulations

There are no existing or proposed federal regulations that address or impact the activities to be regulated by this rule.

7. Comparison with Rules in Adjacent States

An Internet-based search of adjacent states' rules found the following regulations that include similar requirements relating to commercial buildings and facilities:

- The Michigan Department of Labor and Economic Growth administers the Michigan Construction Code, which adopts by reference the 2003 edition of the *International Building Code*[®], IBC, with amendments. The 2003 edition of the IBC requires all new residential occupancies, including dormitories, sororities and fraternities to be protected throughout by automatic fire sprinkler systems.
- The Minnesota Department of Labor and Industry, administers the Minnesota State Building Code, which adopts the 2000 editions of the IBC with amendments. The Minnesota Department of Labor and Industry is in the process of adopting the 2003 edition of the IBC which requires all new residential occupancies, including dormitories, sororities and fraternities to be protected throughout by automatic fire sprinkler systems.
- Illinois does not administer a statewide building code.
- The Iowa Department of Public Safety administers the Iowa Building Code, which adopted the 2003 edition of International Building Code to be effective April 1, 2006 and applies generally to buildings owned by the state of Iowa and to construction projects in local jurisdictions where the Iowa State Building Code is adopted. The 2003 edition of the IBC requires all new residential occupancies, including dormitories, sororities and fraternities to be protected throughout by automatic fire sprinkler systems.

8. Summary of Factual Data and Analytical Methodologies

There were no factual data or analytical methodologies used to develop the proposed rules.

9. Analysis and Supporting Documents used to Determine Effect on Small Business or in Preparation of Economic Impact Report

There were no supporting documents used to determine the effect on small business, and an economic impact report was not prepared.

10. Effect on Small Business

It is unknown whether the student housing under the scope of 2005 Wisconsin Act 78 and the administrative rules would constitute a small business. However, the cost for installing an automatic sprinkler system in new student housing construction varies, depending upon various factors, from \$1.50 to \$2.50 per square foot of the building floor area. The cost for retrofitting of sprinkler system in existing student housing buildings is typically higher, ranging from \$3.00 to \$4.00 per square foot.

SECTION 1. Comm 62.0903 (6) is renumbered 62.0903 (6) (a).

SECTION 2. Comm 62.0903 (6) (a) (intro.) as renumbered is amended to read:

Comm 62.0903 (6) (a) *Multifamily dwellings.* ~~For multifamily dwellings only, substitute the following wording for the requirements, but not the exception, in IBC section 903.2.8:~~ An automatic fire sprinkler system or 2-hour fire resistance shall be provided in every multifamily dwelling that contains floor areas or dwelling units exceeding any of the thresholds established in Table 62.0903. The floor areas specified in the thresholds do not include any of the following:

SECTION 3. Comm 62.0903 (6) (intro.) is created to read:

Comm 62.0903 (6) GROUP R-2. Substitute the following wording for the requirements, but not the exception, in IBC section 903.2.8: Except as provided in pars. (a) and (b), an automatic sprinkler system shall be provided throughout all buildings with a Group R-2 fire area where more than two stories in height, including basements, or where having more than 16 dwelling units.

SECTION 4. Comm 62.0903 (6) (b) is created to read:

Comm 62.0903 (6) (b) *Student housing.* 1. ‘Existing housing.’ a. An automatic fire sprinkler system shall be provided by January 1, 2014 throughout every residence hall and dormitory greater than 60 feet in height, the initial construction of which was begun before January 7, 2006, that is owned or operated by an institution of higher education, other than a residence hall or dormitory owned or operated by the board of regents of the University of Wisconsin System.

b. An automatic fire sprinkler system shall be provided by January 1, 2014 throughout every private student residential building greater than 60 feet in height, the initial construction of which was begun before January 7, 2006.

c. An automatic fire sprinkler system shall be provided by January 1, 2014 throughout every fraternity, sorority or student residential facility operated by an organization authorized or sponsored by an institution of higher education, the initial construction of which was begun before January 7, 2006

2. ‘New housing.’ a. An automatic fire sprinkler system shall be provided throughout every residence hall, dormitory, fraternity, sorority or student residential facility operated by an organization authorized or sponsored by an institution of higher education, the initial construction of which is begun on or after January 7, 2006.

b. An automatic fire sprinkler system shall be provided throughout every private student residential building, the initial construction of which is begun on or after January 7, 2006.

3. In this paragraph, “private student residential building” has the meaning as given under s. 101.14 (4) (b) 1m., Stats.

Note: Section 101.14 (4) (b) 1m., Stats., reads: “In this paragraph, “private student residential building” means a privately owned and operated residential building that has a capacity of at least 100 occupants, that is occupied by persons at least 80 percent of whom are enrolled in an institution of higher education, and that has attributes usually associated with a student residence hall or dormitory such as a food service plan or occupancy by a resident advisor.”

(END)

EFFECTIVE DATE

Pursuant to s. 227.24, Stats., this rule shall take effect as an emergency rule upon publication in the official state newspaper and filing with the Secretary of State and the Revisor of Statutes.

(Note: Publication Date, Saturday, March 4, 2006)